

**CHARTER
OF THE
CITY OF WATSONVILLE**



STATE OF CALIFORNIA

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CHARTER OF THE CITY OF WATSONVILLE

AS AMENDED THROUGH ELECTION
NOVEMBER 3, 1992



STATE OF CALIFORNIA

OCTOBER 1, 1993

Senate Concurrent Resolution No. 9--Approving the Charter of the City of Watsonville, County of Santa Cruz, State of California, ratified by the qualified electors of said City at a special municipal election held therein on the 16th day of February, 1960.

WHEREAS, The City of Watsonville, in the County of Santa Cruz, State of California, contains a population in excess of 3,500 inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States or of the Legislature of the State of California; and

WHEREAS, Proceedings have been had in and taken by the City of Watsonville for the preparation, proposal, adoption, and ratification of a charter for the government of said City of Watsonville, all as set forth in the following certificate of the Mayor and City Clerk of the City of Watsonville, to wit:

**CERTIFICATE OF PROCEEDINGS HAD AND TAKEN BY THE CITY OF
WATSONVILLE IN FRAMING A CHARTER FOR ITS OWN GOVERNMENT**

State of California
County of Santa Cruz } ss.
City of Watsonville }

We, the undersigned Louis W. Gluhan, Mayor of the City of Watsonville, County of Santa Cruz, State of California, and Thomas J. Rowan, City Clerk of said City and ex-officio Clerk of the Board of Aldermen of said City, do hereby certify and declare as follows:

That the undersigned, said Thomas J. Rowan, was at all the times herein mentioned, the Clerk of the Legislative body of the City and City Clerk of said City of Watsonville.

That heretofore and prior to the 22nd day of December, 1959, the said Board of Aldermen of the City of Watsonville, of its own motion, did cause to be framed a proposed Charter for its own government, and on the 22nd day of December, 1959, at a regular adjourned meeting of said Board of Aldermen of said City, said Board of Aldermen by Resolution No. 180-59 directed said City Clerk to place the proposition of the adoption of said proposed Charter on the ballot at a special municipal election ordered in the City of Watsonville for the 16th day of February, 1960, for the purpose of submitting said proposal to the electors of said City of Watsonville; that said Resolution further directed that said City Clerk publish said proposed Charter in the **Watsonville Register Pajaronian and Sun**, a newspaper of general circulation, printed and published in the City of Watsonville.

That said proposed Charter of the City of Watsonville, was filed in the office of the City Clerk in the City Hall at Watsonville, California, on the 22nd day of December, 1959.

That said proposed Charter was published pursuant to said direction in said newspaper and each addition thereof during its publication on the 4th day of January, 1960; that the date of such publication was within fifteen days after the said proposed Charter was filed in the office of said City Clerk of said Board of Aldermen; that the date set for the

submission to the electors of said proposed Charter, to-wit: February 16th, 1960, was not less than forty days or more than sixty days after the completion of the publication in said newspaper, as aforesaid.

That until the day fixed for the election there was advertised in the said Watsonville Register Pajaronian and Sun a notice that copies of said proposed Charter were available in the office of the City Clerk of the City of Watsonville and could be secured upon application thereof at said office; that such copies were so available.

That the population of said City of Watsonville is more than three thousand five hundred (3,500) and less than fifty thousand (50,000) inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States.

That said special election was duly and regularly called and held on the 16th day of February, 1960; that at said election a majority of the qualified voters voting thereon voted in favor of said proposed Charter and for the ratification and adoption thereof.

That thereafter on February the 18th, 1960, the said Board of Aldermen of the City of Watsonville duly canvassed the returns of said special election and found and declared that a majority of said qualified electors voting thereon at said special election had voted in favor of said proposed Charter and for the ratification and adoption thereof.

That in all matters and in all things pertaining to said proposed Charter, all of the provision of Section 8, Article XI of the Constitution of the State of California and the laws of said State, have been fully complied with in each and every particular.

That said Charter so prepared, proposed, submitted, ratified, and adopted is in the words and figures following, as amended, to wit:

CHARTER OF THE CITY OF WATSONVILLE

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THE CHARTER OF THE CITY OF WATSONVILLE

We, the people of the City of Watsonville, State of California, do ordain and establish this Charter as the organic law of said City under the Constitution of said State.

ARTICLE I. INCORPORATION AND SUCCESSION

SECTION 100. Name. The City of Watsonville, County of Santa Cruz, State of California, shall continue to be a municipal corporation with the name, "City of Watsonville."

SECTION 101. Boundaries. The boundaries of the City of Watsonville shall continue as now established until changed in the manner authorized by law.

SECTION 102. Ordinances. All lawful ordinances, resolutions, rules and regulations, or portions thereof, in force at the time this Charter takes effect and not in conflict with or inconsistent herewith, are hereby continued in force until the same have been duly repealed, amended, changed or superseded by proper authority.

SECTION 103. Succession, Rights, Powers and Liabilities. The City of Watsonville shall continue to own, possess, control and exercise all rights, powers and property of every kind and nature owned, possessed, controlled or exercised by it at the time this Charter takes effect, not in conflict with or inconsistent herewith, and shall be subject to all its debts, obligations, liabilities and contracts.

SECTION 104. Continuance of Present Officers and Employees. The present officers and employees shall, without interruption, continue to perform the duties of their respective offices and employments for the compensation provided by existing ordinances, resolutions, rules or laws, until the appointment, or election, and qualification of their successors under this Charter and subject to such removal and control as is provided in this Charter.

SECTION 105. Transfer of Records and Property. All records, property and equipment of any office, department or agency, or part thereof, all of the powers and duties of which are assigned to any other office, department or agency by or pursuant to this Charter, shall be transferred and delivered to the office, department or agency to which such powers and duties are so assigned. If part of the powers and duties of any office, department or agency or part thereof is assigned to another office, department or agency by or pursuant to this Charter, all records, property and equipment relating exclusively thereto shall be transferred and delivered to the office, department or agency to which said powers and duties are so assigned.

**ARTICLE II.
POWERS OF THE CITY**

SECTION 200. General Powers. The City shall have the power to make and enforce all laws and regulations in respect to municipal affairs, subject only to such restrictions and limitations as may be provided in this Charter and in the Constitution of the State of California. It shall also have the power to exercise any and all rights, powers and privileges heretofore or hereafter established, granted or prescribed by any law of the State, by this Charter, or by other lawful authority, or which a municipal corporation might or could exercise under the Constitution and laws of the State of California.

The enumeration in this Charter of any particular power shall not be held to be exclusive of, or any limitation upon, the generality of the foregoing provisions.

SECTION 201. Procedures. The City shall have the power and may act pursuant to any procedure established by any law of the State, unless a different procedure is established by this Charter or by ordinance.

SECTION 202. Contracts for Municipal Services . The City shall have the power to enter into a contract with any other City or County within the State, with a State department, or with any other public or private agency or firm for the performance of any administrative function of the City.

**ARTICLE III.
FORM OF GOVERNMENT**

SECTION 300. Form of Government. The municipal government established by this Charter shall be known as the "Council-Manager" form of government.

**ARTICLE IV.
THE COUNCIL**

SECTION 400. Powers Vested in the Council. All powers of the City and the determination of all matters of policy shall be vested in the Council, subject to the provisions of this Charter and the Constitution of the State of California.

SECTION 401. Number and Method of Election . The Council shall consist of seven (7) members, including a Mayor and six (6) Councilmen, each of whom shall have the right to vote on all questions coming before the Council. The Mayor and Councilmen shall be elected at the General Municipal Election from the City at large.

SECTION 402. Term of Office. Except as otherwise provided in this Section, Council Members shall hold office for a term of four (4) years from and after the second Tuesday following their elections and continuing until their respective successors qualify. If, at any municipal election for members of the Council, there shall be no choice between candidates within a District by reason of two (2) or more candidates having received an equal number of votes, then the Council shall proceed to determine the election of such candidates by lot. No Council Member shall be eligible for reelection for two (2) years after the expiration of the second consecutive full term for which such person was elected, except that any incumbent Council Member in office on the Tuesday following adoption of this amendment is eligible to serve one additional term before the two term limit shall apply.

SECTION 403. Eligibility. A person shall be eligible to be nominated for, or appointed to the office of Council Member, only if thirty (30) days preceding the opening date for the filing of nomination papers or the appointment to fill a vacancy such person is a resident and a registered qualified voter of this City and the District of the City or of territory annexed thereto which the person seeks to represent. A member of the Council shall forfeit such office upon ceasing to reside in the District or to remain a registered qualified voter. The Council shall be the judge of the election and qualifications of its members as defined in this Section.

SECTION 404. Council Member to Hold No Other Office . No member of the Council shall hold any other public office or City employment except as is otherwise provided in this Charter. No member of the Council shall be appointed to any City position, office or employment during the term of office for which he was elected or appointed until one (1) year after the expiration of the term for which he was elected or appointed except to fill a vacancy in the office of Mayor. Nothing in this Section shall prevent a Councilman or the Mayor from resigning his office to accept either an elective or appointive office under the government of a county, state or of the United States, or any governmental agency, other than the City of Watsonville. Nor shall the provisions of this Section prohibit any such officer from being a Notary Public or a member of the armed services of this State or of the United States.

SECTION 405. Compensation. The members of the Council shall receive reimbursement for expenses incurred while performing official business of the City as authorized and approved by the Council. In addition, each member of the Council shall receive such an amount as may be fixed by ordinance, not to exceed the amount provided in the schedule set forth in Section 36516(a) of the Government Code, and as may be amended. Such amount shall constitute total compensation which may include fringe benefits. Absence of a member of the Council from all regular and special meetings of the Council during any calendar month shall render such

Council Member ineligible to receive the allowed compensation for such calendar month unless such absence is with the permission of the Council expressed in its official minutes.

SECTION 406. Vacancies. The provisions of Section 1770 of the Government Code of the State of California as they now exist or may hereafter be amended shall govern the existence of a vacancy. If a vacancy shall occur in the office of Councilman, the vacancy shall be filled by appointment by the Council, and the person appointed shall hold office until the first Tuesday following the next General Municipal Election, or until his successor qualifies. At the next General Municipal Election following any vacancy, a new member shall be elected to serve for the remaining period of any unexpired term. In the event the Council shall fail to fill a vacancy by appointment within thirty (30) days after such an office shall have become vacant, it shall forthwith cause an election to be held to fill such vacancy.

SECTION 407. Interference in Administrative Matters

Prohibited. Neither the Council nor any of its members shall interfere with the execution by the City Manager of his powers and duties, or order or request, directly or indirectly, the appointment by the City Manager, or by any of his subordinates, of any person to any office or employment, or his removal therefrom. Except for the purpose of obtaining information, the Council and its members shall deal with the administrative branch of the City government solely through the City Manager, or his designated deputy, and neither the Council nor any member thereof shall give orders to any subordinate of the City Manager, either publicly or privately.

SECTION 408. Meetings of the Council. The Council shall provide for the time, place and manner of holding its meetings by ordinance, not inconsistent with the provisions of this Section. Copies of such ordinances shall be kept on file in the office of the City Clerk where they shall be available for public inspection. Except as is otherwise provided by the laws of this State, all meetings of the Council shall be open to the public, and all persons shall be permitted to attend any meeting thereof. The Council shall hold at least one (1) regular meeting each month.

A special meeting may be ordered at any time by the Mayor whenever in his opinion the public business may require it, or upon the written request of any three (3) members of the Council. Whenever a special meeting shall be called, notice of such meeting shall be given as provided in Chapter 9, Part 1, Division 2, Title 5 of the Government Code of the State of California.

SECTION 409. Citizen Participation. Within the established rules for the conduct of its official proceedings, no citizen shall be denied the right personally, or through counsel, to present

grievances or offer suggestions for the betterment of municipal affairs at any regular meeting of the Council.

SECTION 410. Quorum. A majority of the entire membership of the Council shall constitute a quorum to do business, but a less number may adjourn from time to time. In the absence of all the members of the Council from any meeting, the City Clerk may declare the same adjourned to a stated day and hour.

SECTION 411. Rules and Procedures . The Council shall establish rules for the conduct of its proceedings and to preserve order at its meetings. It shall cause a record of its proceedings to be maintained which shall be open to public inspection.

SECTION 412. Administering Oaths: Subpoenas. Each member of the Council shall have the power to administer oaths and affirmations in any investigation or proceeding pending before the Council. The Council shall have the power and authority to compel the attendance of witnesses, to examine them under oath and to compel the production of evidence before it. Subpoenas may be issued in the name of the City and be attested by the City Clerk. Disobedience of such subpoena or the refusal to testify upon other than constitutional grounds shall constitute a misdemeanor and shall be punishable in the same manner as violations of this Charter are punishable.

SECTION 413. District Boundaries . The boundaries of the seven (7) Districts shall be subject to alteration and change under the provisions of this Section. Following the taking of each federal decennial census, commencing with the 1990 federal decennial census, but no earlier than three (3) months and no later than six (6) months following receipt by the City Clerk of a written publication containing an enumeration of population by blocks derived from such census, the Council shall by ordinance redistrict the City into seven (7) numbered Districts. Such ordinance shall be adopted according to the provisions of Article VI and shall become effective at the expiration of thirty (30) days after adoption of the ordinance; provided, however, that if such ordinance becomes effective on or after the first day on which nomination papers may be filed for an election to the office of member of the Council, then such ordinance shall not apply, or be deemed to apply, to that election or to the person elected to the office of member at such election.

Except as provided hereinabove, such Districts shall be used for all elections of members of the Council, including their recall, and for filling any vacancy in the office of member of the Council, subsequent to the effective date of such ordinance and until new Districts are established. Districts so formed shall be as nearly equal in population as practicable according to such federal decennial census. Any territory heretofore or hereafter annexed to or consolidated with the City but not included within a

District shall, prior to or concurrently with completion of the proceedings therefore, be added to an adjacent District or Districts by the Council by ordinance, which shall become effective at the expiration of thirty (30) days after adoption and shall apply to all elections held on and after its effective date.

Any ordinance adopted by the Council and establishing, changing, or altering the boundaries of any District shall describe the new boundaries by reference to a map on file in the office of the City Clerk and/or by a metes-and-bounds description.

In any redistricting, the Council shall make the Districts as nearly equal in population as may be practicable, and may, in establishing the boundaries of the Districts, give consideration to a:

- (a) natural boundaries, street lines and/or City boundaries;
- (b) geography;
- (c) cohesiveness, contiguity, integrity and compactness of territory; (d) community of interests within each District; and the Voting Rights Act, 42 U.S.C. Section 1973.

Upon any decennial redistricting pursuant to the provisions of this Section, each incumbent member of the Council who no longer resides within the District to which they were elected as a result of such redistricting will continue to hold office and to represent the District to which the member was elected prior to such redistricting until the first Tuesday following the next General Municipal Election at which time a new member shall be elected to serve the remaining period of the unexpired term, if any, notwithstanding any provision of Section 403 requiring a member to be a resident of the District represented by such members.

ARTICLE V. THE MAYOR

SECTION 500. Appointment of Mayor. The Council shall appoint one of its members who shall have the title of Mayor. The Mayor shall be appointed at a meeting on the first Tuesday following the General Municipal Election in each election year, and at the first meeting in the month designated by Section 1300, General Municipal Elections, in each non-election year, and shall serve until a successor has been appointed.

At the same meeting at which the Mayor is appointed, the Council shall also appoint from among its members a Mayor Pro tempore, who shall act as Mayor during the absence or disability of the Mayor, and if a vacancy occurs, shall become Mayor for the completion of the unexpired term.

SECTION 501. Powers and Duties . The Mayor shall be recognized as the official head of the City for all political, representative and ceremonial purposes, by the Courts for the purposes of serving civil processes, and by the Governor for military purposes. In time of public danger or emergency, he may direct the administration of the City government through the City Manager.

The Mayor shall be charged with the duty of making recommendations to the Council on all matters of policy and program which require Council decision, provided, that if he recommends any increases in the City budget, he shall recommend the method of financing such expenditures; and provided further, that if he proposes curtailments of services, such recommendations and his reasons therefore shall be specific. The Mayor shall have the primary, but not exclusive, responsibility for interpreting the policies, programs and needs of the City government to the community. He may also, on his own account, inform the community on any matters of policy or program which he believes the welfare of the community makes necessary. It shall be the duty of the Mayor to represent the Council in its relationships with civic groups within the City, and by direction of the Council, he shall represent the City in its relationships with other governmental agencies on matters of policy and program.

The Mayor shall preside at meetings of the Council and shall have a vote as a member of the Council. He shall have no power to veto any ordinance or resolution adopted by the Council.

The Mayor shall have authority to preserve order at all Council meetings and to move or cause the removal of any person from any meeting of the Council for disorderly conduct, to enforce the rules of the Council, and to determine the order of business under the rules of the Council.

The Mayor shall exercise such other powers and perform such other duties as may be prescribed by the Council, not inconsistent with this Charter.

Nothing in this Section shall be construed in any way as an infringement or limitation on the powers and duties of the City Manager as chief administrative officer and head of the administrative branch of the City government as prescribed in other sections of this Charter. The Mayor shall possess only such authority over the City Manager and the administrative branch as he possesses as one member of the Council.

SECTION 502. Salary. The Mayor shall receive as compensation for his services as such the sum of One Hundred and no/100th (\$100.00) Dollars per month which shall be in addition to his remuneration as a member of the Council.

SECTION 503. Mayor Pro Tempore. At the first meeting of the Council, the Council shall elect one of its members as Vice Mayor who shall act as Mayor during the absence or inability of the Mayor to act, and shall hold office at the pleasure of the Council. In the case of the temporary absence or disability of both the Mayor and the Vice Mayor, the Council shall elect one of its members to act as Mayor Pro Tempore.

SECTION 504. Vacancy. If a vacancy occurs in the office of Mayor, the Council shall forthwith appoint a member of the Council to fill such vacancy who shall serve until the next municipal election, when a Mayor shall be elected to serve for the unexpired term or the succeeding term, as the case may be.

ARTICLE VI. **LEGISLATION**

SECTION 600. Legislation: Method of Action . When so provided by this Charter, or by law, the rights and powers conferred upon the Council shall be exercised by ordinance. Each act of the Council establishing a fine or other penalty, imposing a new or additional tax, or granting a franchise, shall be by ordinance.

SECTION 601. Adoption of Ordinances. Each ordinance shall be introduced in writing. With the sole exception of ordinances which take effect upon adoption, referred to in this Article, no ordinance shall be adopted by the Council on the day of its introduction, nor within six (6) days thereafter, nor at any time other than a regular or adjourned regular meeting, nor until such ordinance shall have been published as required by this Charter. In the event that any ordinance is altered after its introduction, the same shall not be finally adopted except at a regular or adjourned regular meeting held not less than six (6) days after the date upon which such ordinance was so altered. The correction of typographical or clerical errors shall not constitute the making of an alteration within the meaning of the foregoing sentence.

SECTION 602. Ordinances: Emergency. Any ordinance declared by the Council to be necessary as an emergency measure for preserving the public peace, health or safety, and containing a statement of the reasons for its urgency, may be introduced and adopted at one and the same meeting if passed by at least five (5) affirmative votes.

SECTION 603. Ordinances and Resolutions: Vote Required. No ordinance or resolution shall be passed or become effective without receiving the affirmative votes of at least four (4) members of the Council.

SECTION 604. Ordinances and Resolutions: Roll Call Vote. A roll call vote shall be taken upon the passage of all ordinances

and resolutions and be entered upon the journal of the proceedings of the Council. Upon request of any member, a roll call vote shall be taken and recorded on any vote. Whenever a roll call vote of the Council is in order, the Clerk shall call the names of the members in alphabetical order except that the name of the Presiding Officer shall be called last. All members present shall be required to vote unless disqualified, in which case the disqualification shall be publicly declared and a record thereof made.

SECTION 605. Ordinances: Enactment. The enacting clause of all ordinances shall be substantially as follows: "The Council of the City of Watsonville does ordain as follows".

SECTION 606. Ordinances and Resolutions: Signing and Attesting. All ordinances and resolutions shall be signed by the Mayor and attested by the City Clerk.

SECTION 607. Publication of Ordinances. The City Clerk shall cause at least the title and a summary of each proposed ordinance, with the exception of those ordinances which take effect upon adoption referred to in this Article, to be published in a newspaper of general circulation in the City at least three (3) days prior to its adoption. The City Clerk shall cause at least the title and a summary of each ordinance which takes effect upon adoption to be published at least once in the official newspaper of the City within fifteen (15) days after its adoption.

SECTION 608. Ordinances: Effective Date . No ordinance adopted by the Council shall become effective until thirty (30) days from and after the date of its adoption, except the following, which shall take effect upon adoption:

- (a) An ordinance calling or otherwise relating to an election;
- (b) An improvement proceeding ordinance adopted under some law or procedural ordinance;
- (c) An ordinance declaring the amount of money necessary to be raised by taxation, or fixing the rate of taxation, or levying the annual tax upon property;
- (d) An emergency ordinance adopted in the manner provided for in this Article;
- (e) An ordinance annexing areas to the City; or
- (f) An ordinance providing for a tax levy or appropriation for the usual current expenses of the City.

SECTION 609. Ordinances: Amendment. The amendment of any section or sections of an ordinance or code section may be accomplished solely by the reenactment of such section or sections at length, as amended.

SECTION 610. Ordinances: Codification. The Council shall cause to be classified and codified under appropriate heads all

general ordinances in force and cause the same to be printed in book, pamphlet, or looseleaf form for the use of the City, its officers and the public.

SECTION 611. Ordinances: Violation and Penalty. The Council may make the violation of its ordinances either

- (a) a misdemeanor which may be prosecuted in the name of the People of the State of California, or may be redressed by civil action and may prescribe punishment for such violation by a fine not to exceed the maximum amount provided in Government Code Section 36901 and Penal Code Section 19, including any amendments to these sections, or by imprisonment not to exceed six (6) months, or by both such fine and imprisonment, or
- (b) an infraction which may be prosecuted in the name of the People of the State of California, or may be redressed by civil action and may prescribe punishment for such violation solely by a fine and not to exceed Five Hundred (\$500.00) Dollars."

ARTICLE VII. **THE CITY MANAGER**

SECTION 700. City Manager. There shall be a City Manager who shall be the chief executive officer and head of the administrative branch of the City government. He shall be chosen on the basis of his executive and administrative qualifications with special reference to his actual experience in, or his knowledge of, accepted practices with respect to the duties of his office as hereinafter set forth. He shall have at least one (1) year's previous experience as a City Manager, or three (3) years' previous experience as an Assistant City Manager in a city of comparable or larger size.

No member of the Council shall be eligible for appointment to the office of City Manager during the term for which he shall have been elected or appointed nor within one (1) year thereafter.

SECTION 701. Appointment and Removal. The Council shall appoint the City Manager for an indefinite term and may remove him by a resolution adopted by at least four (4) affirmative votes.

SECTION 702. Compensation. The City Manager shall be paid a salary commensurate with his responsibilities as chief executive officer of the City which salary shall be established by the Council.

SECTION 703. Powers and Duties. The City Manager shall be responsible to the Council for the proper administration of all affairs of the City. Without limiting the foregoing general grant of powers, responsibilities and duties, the City Manager shall have power and be required to:

- (a) Take a continuing interest in the effectiveness and economy of all administrative arrangements throughout the City;
- (b) Insure that administrative activities with which two (2) or more departments are concerned are effectively coordinated;
- (c) Appoint, suspend and/or remove, subject to the personnel provisions of this Charter, all department heads, officers and employees of the City except those department heads and officers appointment of whom is vested in the Council. The City Manager may authorize the head of any department or office to appoint or remove subordinates in such office;
- (d) Prepare the budget annually, submit it to the Council, and be responsible for its administration after its adoption;
- (e) Prepare and submit to the Council as of the end of the fiscal year a comprehensive report on the finances and administrative activities of the City for the preceding year;
- (f) Make and execute contracts on behalf of the City involving expenditures budgeted or appropriated by the Council, subject to such rules or regulations as may be adopted by the Council by ordinance or resolution;
- (g) Keep the Council advised of the financial condition and future needs of the City and make such recommendations on any matter as may to him seem desirable;
- (h) See that the laws of the State pertaining to the City, the provisions of this Charter and the ordinances of the City are enforced;
- (i) Submit a monthly report to the Council covering significant activities of City agencies, offices and departments under his supervision and any significant changes in administrative rules and procedures promulgated by him;
- (j) Submit special reports in writing to the Council in answer to any requests for information when requested of him by the Council; and
- (k) Perform such other duties consistent with this Charter as may be required of him by the Council.

SECTION 704. Participation in Official Proceedings. The City Manager shall be accorded a seat at the Council table and at all meetings of boards and commissions and shall be entitled to participate in their deliberations but shall not have a vote. He shall attend all regular and special meetings of the Council unless physically unable to do so or unless he has received prior approval for such absence from the Council.

SECTION 705. City Manager Pro Tempore . The City Manager shall appoint, subject to the approval of the Council, one of the other officers or department heads of the City to serve as City

Manager Pro Tempore during the temporary absence or disability of the City Manager. If the City Manager fails to make such an appointment, the Council shall designate an officer of the City to serve as City Manager Pro Tempore during the absence or disability of the City Manager.

ARTICLE VIII. **OFFICERS AND EMPLOYEES**

SECTION 800. City Administrative Organization. The Council shall provide by ordinance, not inconsistent with this Charter, for the organization, conduct and operation of the several offices, departments and other agencies of the City. It may further provide by ordinance for the creation of additional departments, divisions, offices and agencies or for their alteration or abolition or for their assignment and reassignment to departments. Each new department so created shall be headed by an officer as department head who shall be appointed by the City Manager and may be suspended and removed by the City Manager, except as otherwise provided by this Charter. Subject to the provisions of this Charter, the Council shall provide by ordinance or resolution for the number, titles, qualifications, powers, duties and compensation of all officers and employees.

The Council by ordinance may assign additional functions or duties to officers, departments or other agencies established by this Charter, but shall not discontinue or assign to any other office, department, or any other agency any function or duty assigned by this Charter to a particular office, department or agency. No office provided in this Charter to be filled by appointment by the City Manager shall be combined with an office provided in this Charter to be filled by appointment by the Council. When the positions are not incompatible, the Council may combine in one person the powers and duties of two (2) or more offices.

The City Manager, within the earliest practicable time following the effective date of this Charter, shall cause to be prepared and submitted to the Council, and the Council, by ordinance, shall adopt an administrative code. Such code shall provide for a complete plan of administrative organization of the City government, and provide for the powers, duties, responsibilities, obligations and procedures of the officers and employees of the City, including rules and regulations of the City departments adopted by ordinance. Such code may be adopted by reference.

Rules and regulations governing administrative procedures of the City government, such as those covering personnel, budgeting, accounting and purchasing methods, shall be included in the administrative code. The code shall be amended by ordinance as necessary or advisable to keep it up to date. Sufficient copies

shall be available for all officers of the City and other interested citizens.

Notwithstanding the foregoing, the Council may transfer or consolidate functions of the City government to or with appropriate functions of the State or County government and in case of any such transfer or consolidation, the provisions of this Charter providing for the function of the City government so transferred or consolidated shall be deemed suspended during the continuance of such transfer or consolidation, to the extent that such suspension is made necessary or convenient and is set forth in the ordinance establishing such transfer or consolidation. Any such transfer or consolidation may be repealed by ordinance.

SECTION 801. Enumeration. The officers of the City shall consist of the Mayor, the Councilmen, the City Manager, the City Attorney, the City Clerk and such other officers, assistants, deputies and employees as the Council may provide.

SECTION 802. Appointment and Removal. The City Attorney and City Clerk shall be appointed by and may be removed by the affirmative votes of at least four (4) members of the Council. Except as otherwise provided in this Charter, all other officers, department heads and employees of the City shall be appointed by the City Manager and shall serve at his pleasure.

SECTION 803. City Clerk: Powers and Duties. The City Clerk shall have the power and be required to:

- (a) Attend all meetings of the Council and be responsible for the recording and maintaining of a full and true record of all the proceedings of the Council in books that shall bear appropriate titles and be devoted to such purpose;
- (b) Maintain separate books, in which shall be recorded respectively all ordinances and resolutions, with the certificate of the Clerk annexed to each thereof stating the same to be the original or a correct copy, and as to an ordinance requiring publication, stating that the same has been published in accordance with this Charter;
- (c) Maintain separate books, in which a record shall be made of all written contracts and official bonds;
- (d) Keep all aforementioned books properly indexed and open to public inspection when not in actual use;
- (e) Be the custodian of the seal of the City;
- (f) Administer oaths or affirmations, take affidavits and depositions pertaining to the affairs and business of the City and certify copies of the official records;
- (g) Have charge of all City elections;
- (h) Be responsible for the publication of all official advertising of the City; and
- (i) Perform such other duties consistent with this Charter as may be required of him by the Council.

SECTION 804. City Attorney: Powers and Duties. The City Attorney shall have power and be required to:

- (a) Represent and advise the Council and all City officers in all matters of law pertaining to their offices;
- (b) Represent and appear for the City in any or all actions and proceedings in which the City is concerned or is a party, and represent and appear for any City officer or employee or former City officer or employee in any or all actions and proceedings in which any such City officer or employee is concerned or is a party, for any action arising out of his employment or by reason of his official capacity;
- (c) Attend all meetings of the Council and give his advice or opinion in writing whenever requested to do so by the Council or by any of the boards or officers of the City;
- (d) Approve the form of all bonds given to and all contracts made by the City, endorsing his approval thereon in writing;
- (e) Prepare all proposed ordinances, contracts and other legal instruments for the City;
- (f) Prosecute on behalf of the City all cases for violation of the Charter, City ordinances and other City laws and regulations;
- (g) Perform such other legal duties consistent with this Charter as may be required of him by the Council; and
- (h) Upon vacating the office, surrender to his successor all books, papers, files and documents pertaining to the City's affairs.

To become eligible for appointment as City Attorney, the appointee shall have been admitted to practice as an attorney at law before the Supreme Court of the State of California, and shall have been engaged in the practice of law for at least two (2) years immediately prior to his appointment.

The Council shall have control of all legal business and proceedings and may employ other attorneys to take charge of any litigation or matter or to assist the City Attorney therein.

SECTION 805. Compensation. The compensation of all City officers and employees, except as otherwise provided in this Charter, shall be by salary to be fixed by ordinance or resolution. No officer or employee shall be allowed any fees, perquisites, emoluments, rewards or compensation for the performance of his official duties aside from the salary or compensation as fixed by the Council, but all fees received by him in connection with his official duties shall be paid by him into the City treasury. The provisions of this Section shall not preclude officers and employees from being reimbursed for actual and necessary expenses incurred while performing official business of the City when said expenses have been authorized or approved by the Council or the City Manager.

SECTION 806. Oath of Office. Each officer of the City, before entering upon the duties of his office, shall take the oath of office as provided for in the Constitution of this State, and shall file the same with the City Clerk.

SECTION 807. Administering Oaths. Each department head and his deputy shall have the power to administer oaths and affirmations in connection with any official business pertaining to his department.

SECTION 808. Official Bonds. The Council shall fix by ordinance the nature, amount and terms of the official bonds of all officials or employees who are required by ordinance to qualify for such bonds; provided, however, that all officers and employees having custody or control of public funds shall be required to bonded. All bonds shall be executed by a responsible corporate surety, shall be approved as to form by the City Attorney and shall be filed with the City Clerk. Premiums on official bonds shall be paid by the City.

SECTION 809. Financial Interest Prohibited. The provisions of Article 4, Chapter 1, Division 4, Title 1 of the Government Code of the State of California as the same now exists or may hereafter be amended, relating to prohibitions applicable to specified officers, shall apply in the City.

SECTION 810. Nepotism. The Council shall not appoint to a salaried position under the City government any person who is a relative by blood or marriage within the second degree of any one or more of the members of such Council nor shall any department head or other officer having appointive power appoint any relative of his within such degree to any such position.

SECTION 811. Discrimination. Except as otherwise provided by the general laws of this State heretofore or hereafter enacted, no person employed by the City or seeking employment therewith shall be employed, refused employment, promoted, demoted, disciplined or discharged or in any way favored or discriminated against because of political opinion or affiliations, or membership in a lawful employees association, or because of race or religious belief.

ARTICLE IX. **BOARDS AND COMMISSIONS**

SECTION 900. Boards and Commissions: Intents and Purposes. Except as otherwise provided in this Article, the appointive boards and commissions established by or pursuant to this Charter are intended to serve as advisory bodies to the Council and the City Manager in carrying out their respective duties. Membership on such bodies shall be representative of the entire community insofar as that is possible, and members on such boards shall be willing to serve as a civic responsibility. No member of any advisory board

or commission shall hold any paid office or employment in the City Government. In order to be eligible for appointment to any board or commission, a person shall be a qualified registered elector of the City. In addition to those boards and commissions herein provided, the Council may create by ordinance such advisory boards or commissions as in its judgment are required and may grant them such powers and duties as are consistent with the provisions of this Charter. In addition, the Council by motion adopted by at least four (4) affirmative votes, or the City Manager with the consent of the Council, may appoint from time to time such temporary committees as are deemed advisable to render counsel and advice to the appointing authorities on any designated matters or subject within the jurisdiction of such authorities.

Any vacancies in any board or commission, from whatever cause arising, shall be filled by appointment by the Council except as otherwise provided in this Article. Upon a vacancy occurring leaving an unexpired portion of a term, any appointment to fill such vacancy shall be for the unexpired portion of such term. The provisions of Section 1770 of the Government Code of the State of California as they now exist or may hereafter be amended shall govern the existence of a vacancy except that if a member of a board or commission absents himself from three (3) consecutive regular meetings of such board or commission, unless by permission of such board or commission expressed in its official minutes, his office shall become vacant and shall be so declared by the Council.

SECTION 901. Appropriations. The Council shall include in the annual budget such appropriations of funds as in its opinion shall be sufficient for the efficient and proper functioning of such boards and commissions.

SECTION 902. Appointments. The appointive boards and commissions created by or pursuant to this Charter shall be composed of seven (7) members. Each member of the Council shall appoint one member to each such board or commission subject to approval by motion of the Council adopted by at least four (4) affirmative votes.

The member shall be subject to removal by motion of this Council adopted by at least four (4) affirmative votes. Except as otherwise provided by Charter or by Ordinance, the members thereof shall serve for a term of four (4) years and until their respective successors are appointed and qualified. No person shall serve more than two (2) consecutive full terms on the same board or commission. No person who has served two (2) consecutive full terms on any board or commission shall be eligible for reappointment to the same board or commission until four (4) years after the expiration of his second term. For purposes of this Section a full term shall include one-half or more of any term to which some other person was appointed.

The members first appointed to such boards and commissions shall so classify themselves by lot that the term of one of each of their number shall expire each succeeding January first. Where the total number of members of a board or commission to be appointed exceeds four (4), the classification by lot shall provide for the pairing of terms to such an extent as is necessary in order that the terms of at least one, and not more than two (2) members, shall expire in each succeeding year. Their successors shall be appointed for a full term.

SECTION 903. Existing Boards. The respective terms of office of all members of the boards and commissions in existence at the time the amendment of Section 902 of this Charter takes effect shall terminate upon the effective date of said amendment to this Charter.

SECTION 904. Meetings: Chairmen. As soon as practicable following their original appointment, and following the first day of January of each year thereafter, each of such boards and commissions shall organize by electing one of its members to serve as presiding officer at the pleasure of such board or commission. Each board or commission shall hold regular meetings as provided by resolution of the Council and such special meetings as such board or commission may require. Except as is otherwise provided by the laws of this State, all proceedings shall be open to the public.

The affirmative or negative vote of a majority of the entire membership of such board or commission shall be necessary for it to take action.

Unless otherwise provided, the City Manager shall provide a secretary for the recording of the minutes of each of such boards and commissions who shall keep a record of its proceedings and transactions. Each board or commission may prescribe its own procedural rules and regulations which shall be consistent with this Charter and copies of which shall be kept on file in the office of the City Clerk where they shall be available for public inspection. Each board or commission shall have the same power as the Council to compel the attendance of witnesses, to examine them under oath, to compel the production of evidence before it and to administer oaths and affirmations in any investigation or proceeding pending before it.

SECTION 905. Compensation . The members of boards and commissions shall serve without compensation for their services as such but shall receive reimbursement for necessary traveling and other expenses incurred on official duty when such expenditures have been authorized by the Council.

SECTION 906. Planning Commission: Established. There shall be a Planning Commission consisting of seven (7) members. Such officers as the Council shall designate, or their representatives,

shall meet with the Planning Commission and participate in the discussions but shall not have a vote.

SECTION 907. Planning Commission: Powers and Duties.

The Planning Commission shall have the power and duty to:

- (a) Recommend to the Council after a public hearing thereon the adoption, amendment or repeal of a general plan or any part thereof, or the adoption, amendment or repeal of a specific plan for the physical development of the City, as such terms are defined by Chapter 3, Title 7, of the Government Code of the State of California, as may be amended;
- (b) List and classify annually all proposed public improvements recommended by officers, departments, boards or commissions of the City and, not later than the first regular meeting of May of each year, recommend to the Council and the City Manager a coordinated program of proposed public improvements for the ensuing five (5) year period, according to a logical order of priority;
- (c) Exercise such functions with respect to land use, including but not limited to planning, zoning, subdivisions, public buildings, recreation and parks, streets and housing, as may be prescribed by ordinance, not inconsistent with the provisions of this Charter;
- (d) Recommend to the Council for adoption and implementation plans for the clearance, rehabilitation, redevelopment or renewal of sub-standard areas within the City;
- (e) Recommend to the Council for adoption and implementation such plans as are designed to promote the most beneficial and orderly growth and development of the City; and
- (f) Perform such other duties as may be prescribed by the Council not inconsistent with the provision of the Charter.

SECTION 908. Personnel Commission: Established. There shall

be a Personnel Commission consisting of seven (7) members none of whom, while a member of the Commission, or for a period of one (1) year after he has ceased for any reason to be a member, shall be eligible for appointment to any salaried office or employment in the service of the City.

SECTION 909. Personnel Commission: Powers and Duties. The

Personnel Commission shall have the power and duty to:

- (a) Act in an advisory capacity to the Council and the City Manager or other appointive power on matters relating to personnel administration;
- (b) Recommend to the Council upon request, the adoption, amendment or repeal of the personnel rules and regulations referred to in Section 1002 of this Charter;
- (c) Hear appeals of any officer or employee holding a regular position in the competitive service pertaining to

suspension, demotion, dismissal or disciplinary action as provided for in Article X:

- (d) Make any investigation which it may consider desirable concerning the conditions of employment and the administration of personnel in the municipal service and report its findings to the Council, the City Manager and any other appointive power; and
- (e) Perform such other duties relating to Personnel matters as may be prescribed by the Council not inconsistent with the provisions of this Charter.

SECTION 910. Board of Library Trustees: Established: Powers and Duties. There shall be a Board of Library Trustees consisting of seven (7) members which shall have the power and duty to:

- (a) Have charge of the administration of City libraries and make and enforce such by-laws, rules and regulations as may be necessary therefore;
- (b) Designate its own secretary;
- (c) Consider the annual budget for library purposes during the process of its preparation and make recommendations with respect thereto to the Council and the City Manager;
- (d) Purchase and acquire books, journals, maps, publications and other supplies peculiar to the needs of the library, subject, however, to the limitations of the budget for such purposes. The expenditure and disbursement of funds for such purchases shall be made and approved as elsewhere in the Charter provided;
- (e) Accept money, personal property or real estate donated to the City for library purposes, subject to the approval of the Council;
- (f) Contract with schools, county or other governmental agencies to render or receive library services or facilities, subject to the approval of the Council; and
- (g) Perform such other duties relating to library matters as may be prescribed by the Council not inconsistent with the provisions of this Charter.

SECTION 911. Recreation and Parks Commission: Established.

There shall be a Recreation and Parks Commission consisting of seven (7) members. In the event the Council contracts with other agencies interested in recreation and parks for the joint exercise of any such functions, it shall provide for representation on the Commission from such agencies during the existence of such contract or extensions thereof.

SECTION 912. Recreation and Parks Commission: Powers and Duties. The Recreation and Parks Commission shall have the power and duty to:

- (a) Act in an advisory capacity to the Council and the City Manager in all matters pertaining to recreation and parks;

- (b) Consider the provisions of the annual budget for recreation and park purposes during the process of the preparation of the budget and make recommendations with respect thereto to the City Manager and the Council;
- (c) Formulate and recommend to the Council and the City Manager a recreation and park program for the inhabitants of the City which will contribute to the attainment of general educational and recreational objectives for children and adults of the City, promote and stimulate public interest therein, and to that end, solicit to the fullest extent possible the cooperation of school authorities and other public and private agencies interested therein;
- (d) Formulate and recommend to the Council and the City Manager policies for the acquisition, development and improvement of parks and playgrounds and for the planning, care and removal of trees and shrubs in all parks, playgrounds and streets;
- (e) Recommend to the Council and the City Manager as to the acceptance or rejection of offers of donations of money, personal property or real estate to be used for recreation and park purposes; and
- (f) Perform such other duties relating to recreation and park matters as may be prescribed by the Council not inconsistent with the provisions of this Charter.

ARTICLE X. PERSONNEL SYSTEM

SECTION 1000. Merit System . All appointments to and promotions within the administrative service of the City shall be based upon merit and fitness which shall be ascertained by means of recognized personnel selection techniques. The Council shall establish by ordinance a personnel merit system for the selection, employment, classification, advancement, suspension and discharge of those appointive officers and employees who are included in the Competitive Service by the provisions of this Charter. Following the adoption of an ordinance establishing the personnel merit system, appointments and promotions in the Competitive Service of the City shall be made from eligible lists to be established by examination in accordance with personnel rules and regulations adopted in the manner provided in this Charter.

SECTION 1001. Competitive and General Service . The administrative service of the City shall be divided into the General Service and the Competitive Service.

- (a) The General Service shall comprise the following offices and positions:
 - (1) All elective offices;
 - (2) All members of boards and commissions;
 - (3) The City Manager, the City Clerk, the City Attorney, and head of each department;

- (4) Persons employed for a special or temporary purpose; and positions of any class or grade exempted from the competitive service for a maximum period of six (6) months in any calendar year;
- (5) Persons employed to render professional, scientific, technical or expert services of an occasional or exceptional character;
- (6) Part time positions or employments, school crossing guards, and voluntary personnel.

(b) The Competitive Service shall consist of all positions in the City administrative service which are not in the General Service.

SECTION 1002. Personnel Rules and Regulations. The Council shall implement the personnel system by adopting rules and regulations governing its administration.

SECTION 1003. Status of Existing Employees. Any person who, on the effective date of this Charter, holds a position or employment included in the Competitive Service as defined by this Charter, and who has been performing the duties of a certain classification for a period of at least six (6) months immediately prior thereto, shall acquire competitive status in said classification.

Any person who, on the effective date of this Charter, holds a position or employment not included in the Competitive Service by the provisions of this Charter, and who has been performing the duties of said position for a period of at least six (6) months immediately prior thereto, shall be entitled, upon request, to assume regular status in the Competitive Service under this Charter in a position the duties of which shall be prescribed by the Council. All other persons who, on the effective date of this Charter, hold a position or employment included in the Competitive Service as defined by this Charter shall have a probationary status in the personnel system.

SECTION 1004. Suspension, Demotion and Dismissal. An officer or employee holding a regular position in the Competitive Service may be suspended without pay, demoted or removed from his position for malfeasance, misconduct, incompetence, inefficiency, or for failure to perform the duties of his position or to observe the established rules and regulations in relation thereto, or to cooperate reasonably with his superiors or fellow employees, but subject to the right to a hearing before Personnel Commission in the manner set forth herein.

Upon his request an officer or employee suspended, demoted or removed shall be given in writing the reasons for his suspension, demotion or removal. He shall be allowed a reasonable time for answering the same and may demand a public hearing upon the charges

before the Personnel Commission. Such hearings shall be held in accordance with procedures established therefore.

The findings and recommendations of the Personnel Commission with respect to hearings shall be transmitted to the appointing authority for final decision.

SECTION 1005. Prohibitions. No officer or employee of the City shall engage or participate in political activities of any kind during any such person's working hours and while assigned to work.

SECTION 1006. Pension and Retirement System. The City, its Council and its several officers and employees are hereby vested with the power to do and perform any act, and to exercise any authority granted, permitted or required under the provisions of the State Employees' Retirement Act, as it now exists or hereafter may be amended, to enable the City to continue as a contracting City under the State Employees' Retirement System, and, in addition, to participate in any pension system now or hereafter existing under the laws of the United States of America to which municipal officers and employees are eligible.

Participation in any such plan or retirement benefits shall not be extended to any officer or employee theretofore retired except by approval of the Council; provided, however, that no person heretofore retired shall be deprived of his existing pension rights.

No retirement or pension plan, heretofore or hereafter established, may be discontinued or terminated except under authority granted by an ordinance adopted by a majority vote of the electors of the City voting on such proposition at an election at which such proposal is presented, unless such action has been approved by a majority vote of the members affected.

ARTICLE XI. **FISCAL ADMINISTRATION**

SECTION 1100. Standards of Administration . The fiscal affairs of the City shall be administered in accordance with generally accepted principles of municipal accounting and finance.

SECTION 1101. Fiscal Year . Unless otherwise provided by ordinance, the fiscal year of the City shall begin on the first day of July of each year and end on the thirtieth day of June of the following year.

SECTION 1102. Tax System . The Council shall provide a system for the assessment, levy and collection of city taxes upon property. The Council may by ordinance adopt at any time any

provision made by the general laws of the State of California for the assessment, levy and collection, or either, of the City taxes by and through the officers of the County, or other public agency.

SECTION 1103. Budget: Preparation and Submission. At least thirty (30) days prior to the beginning of each fiscal year, the City Manager shall submit to the Council a proposed budget for the ensuing fiscal year. The budget shall provide a complete financial plan for the budget year. It shall include the following:

- (a) An itemized statement of estimated income and revenues from all sources for the year which the budget is to cover;
- (b) An itemized statement of the proposed expenditures recommended by the City Manager for each office, department, or agency for the year which the budget is to cover;
- (c) The probable amount required to be levied and raised by property taxation; and
- (d) Such other information as the City Manager may deem essential, or as the Council may require.

SECTION 1104. Budget: Public Hearing. Upon receipt of the proposed budget from the City Manager, the Council shall proceed to consider the proposed budget and may increase, decrease or omit any item or insert new items therein. Before adopting the budget, the Council shall fix the time and place for holding a public hearing on the proposed budget and shall cause a notice thereof to be published not less than ten (10) days prior to said hearing by at least one (1) insertion in the official newspaper of the City. Copies of the proposed budget shall be available for inspection by the public in the office of the City Clerk at least ten (10) days prior to said hearing. At the time and place so advertised, or at any time and place to which such public hearing shall from time to time be adjourned, the Council shall hold a public hearing on the proposed budget at which interested persons desiring to be heard shall be given such opportunity.

SECTION 1105. Budget: Further Consideration and Adoption. After the conclusion of the public hearing, the Council shall further consider the proposed budget and make any revisions thereto that it may deem advisable; provided, however, that if it shall increase the total proposed expenditures, the Council shall also increase the total anticipated revenues, but not beyond the reasonably anticipated revenues, so that the same, together with reasonable expected surpluses will at least equal such total expenditures. Thereafter, but prior to the beginning of the ensuing fiscal year, the Council shall adopt the budget with revisions, if any. Upon final adoption, the budget shall be in effect for the ensuing fiscal year. A copy of the adopted budget, certified to by the City Clerk, shall be placed on file in the office of the City Clerk where it shall be available for public inspection. The budget so certified shall be reproduced and copies

made available for use of all officers, offices, departments and other agencies of the City and for use by civic organizations.

SECTION 1106. Tax Levy. The Council shall determine the amount of money required to be raised by ad valorem municipal property taxation and shall fix the ad valorem municipal tax rate on or before August 31 of each year and certify the same to the County authorities if the County system of ad valorem assessment and tax collection is used by the City.

SECTION 1107. Budget. Appropriations. From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several offices, agencies and departments for the respective objects and purposes therein specified. All appropriations shall lapse at the end of the fiscal year to the extent that they shall not have been expended or lawfully encumbered, except as otherwise provided by this Charter.

At any meeting after the adoption of the budget the Council may amend or supplement the budget so as to authorize the transfer of unused balances appropriated for one purpose to another purpose, or to appropriate available revenue not appropriated in the budget.

No officer, department or agency of the City shall, during any fiscal year, expend or incur any obligation to expend money for any purposes not authorized by or in excess of the amounts appropriated by any budget, as amended, for a given classification or expenditure.

SECTION 1108. Budget Message: Current Operations. The budget message submitted by the City Manager to the Council shall be explanatory of the budget, shall contain an outline of the proposed financial policies of the City for the budget year and shall describe in connection therewith the important features of the budget plan. It shall set forth the reasons for salient changes from the previous year in cost and revenue items and shall explain any major changes in financial policy.

SECTION 1109. Budget Message: Capital Improvements. As a part of the budget message, with relation to the down-payments and other proposed expenditures for capital projects as stated in the budget, the City Manager shall include a statement of pending capital projects and proposed new capital projects, relating the respective amounts proposed to be raised therefor by appropriations in the budget, and the respective amounts, if any, proposed to be raised therefor from other sources during the budget year.

SECTION 1110. Budget Message: Capital Program. The City Manager shall also include in the message, or attach thereto, a program of proposed public improvements for the ensuing five (5)

year period prepared by the Planning Commission in accordance with Section 907 (b), together with his comments thereon.

SECTION 1111. Funds: General Fund. All moneys paid into the City treasury shall be credited to and kept in separate funds in accordance with the provisions of this Charter, State law or ordinance. For the purpose of this Charter, the "General Fund" is established as a medium of control and accounting for City activities other than activities authorized or contemplated by special funds. All revenue and receipts which are not by this Charter, State law or ordinance pledged for special purposes shall be credited to the General Fund.

SECTION 1112. Funds: Cash Basis. The Council shall maintain a revolving fund to be known as the "Cash Basis Fund" for the purpose of placing the payment of the running expenses of the City on a cash basis. A reserve shall be built up in this fund from any available sources other than restricted funds in an amount which the Council deems sufficient with which to meet all lawful demands against the City for the first five (5) months or other necessary period of the succeeding fiscal year prior to the receipt of ad valorem tax revenues. Transfers may be made by the Council from such fund to any other fund or funds of such sum or sums that may be required for the purpose of placing such funds as nearly as possible on a cash basis. All moneys so transferred from the Cash Basis Fund shall be returned thereto before the end of the fiscal year.

SECTION 1113. Funds: Capital Outlays Fund . A fund for capital outlays generally is hereby created to be known as the "Capital Outlays Funds". The Council may create by ordinance a special fund or funds for a special capital outlay purpose. The Council may levy and collect taxes for capital outlays and may include in the annual tax levy a levy for such purposes in which event it must apportion and appropriate to any such fund or funds the moneys derived from such levy. It may not, in making such levy, exceed the maximum tax rate provided for in this Charter unless authorized by the affirmative votes of a majority of the electors voting on the proposition at any election at which such question is submitted. The number of years in which such increased levy is to be made shall be specified in such proposition. The Council may transfer to any such fund any unencumbered surplus funds remaining on hand in the City at any time.

Once created such fund shall remain inviolate for the purpose for which it was created; if for capital outlays generally, then for any such purposes, and if for a special capital outlay, then for such purpose only, unless the use of such fund for some other capital outlay purpose is authorized by the affirmative votes of a majority of the electorate voting on such proposition at a general or special election at which such proposition is submitted.

If the purpose for which any special capital outlay fund has been created has been accomplished, the Council may transfer any unexpended or unencumbered surplus remaining in such fund to the fund for capital outlays generally, established by this Charter.

SECTION 1114. Other Funds. The Council may provide, by ordinance, for the establishment and maintenance of such other special funds as it deems necessary for the proper administration of the fiscal affairs of the City.

SECTION 1115. Independent Audit. The Council shall employ at the beginning of each fiscal year an independent accountant, who holds a valid license from the California State Board of Accountancy, who shall audit the books, records and accounts of all officers and employees of the City who receive, administer or disburse public funds, and such other officers, employees, departments and agencies as the Council may direct. Such audit shall be made at such times as may be prescribed by the Council, but shall be at least annually and shall be a complete continuous audit. The Council shall have the right to order a special audit of any particular department or division of the City government at any time. Such accountant at all times shall abide by the current and most accepted standards of municipal accounting.

As soon as practicable after the end of the fiscal year, a final audit and report shall be submitted by such independent accountant to the Council, one (1) copy thereof to be distributed to each member thereof, one (1) copy to the City Manager and City Attorney, respectively, three (3) copies to be placed on file in the office of the office of the City Clerk where they shall be available for public inspection, together with as many more such copies as may be required.

SECTION 1116. Bonded Debt Limit. The City shall not incur an indebtedness evidenced by general obligation bonds which shall in the aggregate exceed the sum of fifteen (15%) per cent of the total assessed valuation for purposes of City taxation of all the real and personal property within the City, exclusive of any indebtedness that has been or may hereafter be incurred for the purposes of acquiring, constructing, extending or maintaining municipal utilities for which purpose a further indebtedness may be incurred by the issuance of bonds, subject only to the provisions of the State Constitution and of this Charter.

No bonded indebtedness which shall constitute a general obligation of the City may be created unless authorized by the affirmative votes of two-thirds (2/3) of the electors voting on such proposition at any election at which the question is submitted to the electors and unless in full compliance with the provisions of the State Constitution and of this Charter.

SECTION 1117. Public Bid Requirements. Every expenditure of City moneys for public works construction as hereafter defined of more than that amount set forth in Section 20162 of the Public Contracts Code of the State of California shall be let to the lowest responsible bidder after notice of publication in the official newspaper by one (1) or more insertions, the first of which shall be at least ten (10) days before time for opening bids; provided, however, that upon adoption of ordinance by the Council the "Uniform Public Construction Cost Accounting Act" set forth in Chapter 2 (commencing with Section 21000) to Part 3 of Division 2 of the Public Contracts Code, an alternative public bidding procedure, shall be enacted to have the City be subject to such procedure notwithstanding other procedure set forth in this Section.

The Council may reject any and all bids presented and may re-advertise in its discretion. The Council after rejecting bids, or if no bids are received, may declare and determine that, in its opinion, based on estimates approved by the City Manager the work in question may be performed better or more economically by the City with its own employees and after the adoption of a resolution to this effect by at least five (5) affirmative votes of the Council may proceed to have said work done in the manner stated, without further observance of the provisions of this Section.

Such expenditures may be made without advertising for bids, if such expenditures shall be deemed by the Council to be of urgent necessity for the preservation of life, health or property and shall be authorized by resolution passed by at least five (5) affirmative votes of the Council and containing a declaration of the facts constituting the urgency.

All bids for public works construction shall be accompanied by either a certified or cashier's check or a bidder's bond executed by a corporate surety authorized to engage in such business in California made payable to the City. Such security shall be in an amount not less than that specified in the notice inviting bids or in the specifications referred to therein, or if no amount be so specified, then in an amount not less than ten (10%) percent of the aggregate amount of the bid. If the successful bidder neglects or refuses to enter into the contract within the time specified in the notice inviting bids or specifications referred to therein, the amount of the bidder's security may be declared forfeited to the City and may be collected and paid into its General Fund and all bonds so forfeited shall be prosecuted and the amount thereof collected and paid into such fund.

For the purposes of this Section, public works construction shall be defined as a project for the erection or improvement of public buildings, streets, drains, sewers, parking lots, parks or playgrounds, provided, however, that expenditures for the extension, improvement or development of the City water system

shall be excepted from the requirements of this Section. Maintenance or repair of public buildings, streets, drains, sewers, parking lots, parks or playgrounds shall not be considered as public works construction. The provisions of this Section shall not apply to materials, supplies or equipment obtained or purchased from any governmental agency, or for materials, supplies or equipment which can be obtained from only one vendor.

All bids shall be sealed and be filed with the officer in charge of the purchasing function no later than the opening time specified in the notice inviting bids, who shall receive and be custodian of such bids and keep the same confidential until they are opened and declared.

All bids shall be publicly opened and declared at the time and the place fixed in the notice inviting bids.

Thereafter, the bids shall be tabulated and analyzed by the officer in charge of the purchasing function, who shall submit them, together with recommendations thereon, to the City Manager. The City Manager shall review the bids and submit them to the Council, along with his recommendations, at the next regular meeting of the Council.

The Council shall have the right to waive any informality or minor irregularity in a bid.

SECTION 1118. Contracts for Official Advertising . The Council shall let annually contracts for the official advertising of the City for the ensuing fiscal year. In the event there is more than one daily newspaper of general circulation published and circulated in the City, the Council shall advertise for one (1) day, in one (1) or more such papers, setting forth distinctly and specifically the work contemplated to be done, and asking for sealed proposals therefore. The proposals shall specify the type and spacing to be used at the rate or rates named in the bids. The Council shall let the contracts for such official advertising to the lowest responsible bidder publishing a daily newspaper in the City which is a newspaper of general circulation and has been in existence at the time of awarding the contract at least one (1) year; provided that the Council may reject any or all bids and advertise for new bids.

SECTION 1119. Presentation of Demands. Demands against the City shall be presented and audited as prescribed by ordinance. No suit shall be brought for money or damages against the City or any board, commission, or officer thereof until a claim or demand for the same has been presented and such claim and demand has been rejected in whole or in part. If rejected in part suit may be brought to recover the whole. Failure to complete action approving or rejecting any claim or demand within sixty (60) days from the day the same is presented shall be deemed a rejection thereof.

SECTION 1120. Centralized Purchasing Procedure. Under the control and direction of the City Manager there shall be established a centralized purchasing system for all City departments and agencies, which system shall be consistent with all the provisions of this Charter. When making purchases for the City, merchants with places of business located within the City shall be given preference if service, quality and prices are equal.

SECTION 1121. Registering Warrants. Warrants on the City treasury which are not paid for lack of funds shall be registered. All registered warrants shall be paid in the order of their registration when funds therefore are available and shall bear interest from the date of registration at such rate as shall be fixed by the Council.

SECTION 1122. Tax Limits.

- (a) General. The Council shall not levy a property tax for municipal purposes in excess of One and fifty five/100ths (\$1.55) Dollars on each One Hundred and no/100ths (\$100.00) Dollars of the assessed value of taxable property in the City, except as otherwise provided in this Section, unless authorized by the affirmative votes of a majority of the electorate voting on a proposition to increase such levy at any election at which the question of such increased levy for municipal purposes is submitted to the electors. The number of years for which such increased levy is to be made shall be specified in such proposition.
- (b) Additional Taxes. There shall be levied and collected, as additional taxes, at the time and in the same manner as other property taxes for municipal purposes are levied and collected if no other provision for the same is made:
 - (1) A tax sufficient to meet all liabilities of the City for principal and interest of all bonds or judgments due and unpaid, or to become due during the ensuing fiscal year, which constitute general obligations of the City; and
 - (2) A tax sufficient to meet all obligations of the City to the State Employees' Retirement System, or other system for the retirement of City employees, due and unpaid or to become due during the ensuing fiscal year.

SECTION 1123. Control and Use of Municipal Utility Funds.

All revenue derived from the operation of each municipal utility shall be kept separate and apart from all other moneys of the City and shall be applied in the following order:

- (a) For the payment of interest on the bonded debt incurred for the construction, acquisition, operation or extension of such utility;
- (b) For the payment, or provision for the payment, of the principal of said debt as it may become due;

- (c) For capital expenditures of such utility;
- (d) For the annual payment into the Depreciation Reserve Fund of a sum which, according to the estimate of the City Manager, and approved by the Council, shall be sufficient to meet the normal depreciation of said utility. Such depreciation funds shall be used only for the replacement, betterment or extension of said utility. Any reserve for depreciation of such utility accumulated prior to the effective date of this Charter shall be paid into said Depreciation Reserve Fund and shall be subject to the provisions of this Section covering said Fund;
- (e) For the payment of the operating and maintenance expenses of such utility; and
- (f) The remainder may be paid into the General Fund.

SECTION 1124. Sale of Public Utilities. No public utility now or hereafter owned or controlled by the City shall be sold, leased or otherwise transferred unless approved by the affirmative vote of the majority of the electors voting on such proposition at a general or special election at which such proposition is submitted.

ARTICLE XII. FRANCHISES

SECTION 1200. Franchises to Operate. No person, firm or corporation shall exercise any public utility franchise right or privilege in the City except insofar as he or it may be entitled to do so by direct grant by the Constitution of the State of California or of the United States of America, unless he or it shall have obtained a grant therefore in accordance with the provisions of this Article of this Charter and in accordance with the procedure prescribed by ordinance. Until such a procedural ordinance shall hereafter be adopted, the method provided by any law of the State relative to the granting of a franchise of the character of that for which application is being made shall apply. Nothing contained in this Article shall be construed to invalidate any lawful franchise heretofore granted nor to necessitate the obtaining of a new franchise for a use for which a franchise holder shall have a valid unexpired franchise. Nothing contained in this Article shall be construed as applying to or requiring the operators of refrigeration or storage utilities or the carriers of freight or passengers not operating over a fixed route to obtain a franchise to operate within the City unless required so to do by ordinance of the City of Watsonville.

SECTION 1201. Authority to Grant Franchises. The Council is empowered to grant by ordinance a franchise to any person, firm or corporation, whether operating under an existing franchise or not, to engage in the business of furnishing the City and its inhabitants with any public utility or service, or to use the

public streets, ways, alleys and places, as the same may now or may hereafter exist, either separately or in connection therewith.

SECTION 1202. Franchise Terms, Conditions and Procedures.

The Council, by ordinance, shall prescribe the terms and conditions under which franchises will be granted, subject to the provisions of this Charter, and the procedure for granting franchises; provided, however, that such procedural ordinance or ordinances shall make provisions for the giving of public notice of franchise applications, for protests against the granting of such franchise and for public hearings on such applications.

The Council, in granting franchises, shall prescribe the terms and conditions of such franchises in accordance with the applicable provisions of this Charter and any ordinance adopted pursuant thereto, and may in such franchise impose such other and additional terms and conditions not in conflict with said Charter or ordinances, whether governmental or contractual in character, as in the judgment of said Council are in the public interest or as the people, by initiative, indicate they desire to have so imposed.

SECTION 1203. Method of Granting Franchise. The Council may grant a franchise without calling for bids or may, in its discretion, advertise for bids for the sale of a franchise upon a basis, not in conflict with the provisions of this Article, to be set out in the advertisement for bids and notice of sale.

SECTION 1204. Term of Franchise. Every franchise shall be for either a fixed term or for an indeterminate period. If for a fixed term, the franchise shall state the term for which it is granted; if indeterminate, it shall set forth the terms and conditions under which it may be terminated.

SECTION 1205. Purchase or Condemnation by City. No franchise grant shall in any way or to any extent impair or affect the right of the City now or hereafter conferred upon it by law to acquire the property of the grantee thereof either by purchase or through the exercise of the right of eminent domain, and nothing herein contained shall be construed to contract away or to modify or to abridge either for a term or in perpetuity the City's right of eminent domain with respect to any public utility.

SECTION 1206. Adequate Compensation. No new franchise or the renewal of an existing franchise shall be granted without reserving to the City just and adequate compensation.

SECTION 1207. Exercising Right without Franchise. The exercise by any person, firm or corporation of any privilege for which a franchise is required without procuring such franchise shall be a misdemeanor, and each such day that such condition continues shall constitute a separate violation.

SECTION 1208. Article not Applicable to the City. Nothing in this Article shall be construed to apply to the City, or any department thereof, when furnishing any public utility or service.

SECTION 1209. Preservation of Rights. Nothing contained in this Article shall be construed to affect or impair any rights, powers or privileges vested in, possessed by or available to the City by virtue of previous Charter provisions relating to franchises.

ARTICLE XIII. ELECTIONS

SECTION 1300. General Municipal Elections . A General Municipal Election shall be held on the first Tuesday following the first Monday in November of each even numbered year, commencing with the year 1994, for the election of officers and for such other purposes as the Council may prescribe.

SECTION 1301. Special Municipal Elections . All other municipal elections which may be held by authority of this Charter, or by any law, shall be known as Special Municipal Elections.

SECTION 1302. Procedure for Holding Elections . Unless otherwise provided by ordinances hereafter enacted, all elections shall be held in accordance with the provisions of the Elections Code of the State of California, as the same now exists or may hereafter be amended, for the holding of elections in cities, insofar as the same are not in conflict with this Charter.

SECTION 1303. First Election under Charter . A Special Municipal Election shall be held for the election of the first Mayor and the first members of the Council under this Charter within one hundred and twenty (120) days following the approval of this Charter by the Legislature of the State of California.

SECTION 1304. Initiative, Referendum and Recall. The powers of the initiative, the referendum and the recall of elected municipal officers are hereby reserved to the electors of the City. Unless otherwise provided by ordinances, hereafter enacted, the provisions of the Elections Code of the State of California, as the same now exist or may hereafter be amended, governing the initiative, the referendum and the recall of municipal officers, shall be applicable insofar as the same are not in conflict with this Charter.

ARTICLE XIV. SCHOOL SYSTEM

SECTION 1400. Effect of Charter . The organization, government and administration of the public school system in the City of Watsonville shall not be affected by the adoption of this

Charter, but shall continue in existence as is now or hereafter prescribed by the Education Code of the State of California.

ARTICLE XV. GENERAL PROVISIONS

SECTION 1500. Effective Date of Charter. For the purpose of nominating and electing the first Mayor and the first Councilmen, the provisions of the Charter shall become effective when the concurrent resolution of the Legislature approving this Charter is filed with the Secretary of State. For all other purposes, it shall become effective at 8:00 o'clock P.M. on the first Tuesday following the date of the election of the first Mayor and first Councilmen. At such time the terms of all elective officers of the City under the preceding Charter shall terminate.

SECTION 1501. First Election under Charter. The legislative body of the City of Watsonville in office at the time this Charter is approved by the Legislature of the State of California shall provide for the holding of the first election of officers under this Charter as required by Section 1303 of this Charter and shall canvass the votes and declare the results.

SECTION 1502. Validity of Charter. If any provision of this Charter, or the application thereof to any person or circumstance is held invalid, the remainder of the Charter and the application of such provision to other persons or circumstances shall not be affected thereby.

SECTION 1503. Definitions. Unless the provisions or the context otherwise require, as used in this Charter:

- (a) "Shall" is mandatory, and "may" is permissive;
- (b) "City" is the City of Watsonville and "department", "board", "commission", "agency", "officer" or "employee" is a department, board, commission, agency, officer or employee, as the case may be, the City of Watsonville;
- (c) "Council" is the City Council of the City of Watsonville;
- (d) A "member of the Council" means any one of the seven (7) members of the Council, including the Mayor;
- (e) A "Councilman" or "Council Member" means any one of the seven (7) members of the Council, including the Mayor;
- (f) "County" is the County of Santa Cruz;
- (g) "State" is the State of California;
- (h) "Newspaper of general circulation within the City" is as defined by Section 6000 of the Government Code of the State of California;
- (i) "He", "Him", "His" or any word in this Charter importing the masculine gender shall extend to and be applied to females as well as males;

(j) "District" means any one of seven geographical areas of the City divided for the purpose of electing members of the Council."

SECTION 1504. Violations. The violation of any provision of this Charter shall be deemed a misdemeanor and be punishable upon conviction by a fine of not exceeding One Thousand (\$1,000.00) Dollars or by imprisonment for a term of not exceeding six (6) months or by both such fine and imprisonment."

SECTION 1505. Amendments to Charter. Amendments to this Charter shall be proposed and submitted to the electors of the City in the manner provided by the Constitution of the State of California.

SECTION 1506. Publicity of Records. All records and accounts of every office, department or other agency of the City shall be open to inspection by any citizen, any representative of a citizens' organization, or any representative of the press at all reasonable times and under reasonable regulations established by the City Manager, except records and documents the disclosure of which would tend to defeat the lawful purpose which they are intended to accomplish.

We do further certify and declare that the foregoing constitutes a true and correct statement of the actions and proceedings had by the City of Watsonville and the Board of Aldermen of said City, in the matter of the framing, proposal and submission of said proposed Charter for the government of the City of Watsonville, and in the calling, voting upon, and canvassing the returns and declaring the results of said election.

IN WITNESS WHEREOF, We have hereunto set our hands and hereto affixed the seal of said City of Watsonville, this 19th day of February, 1960.

Louis W. Gluhan
Mayor of the City of
Watsonville

ATTEST: Thomas J. Rowan
City Clerk of the City of
Watsonville

CHARTER AMENDMENTS

Charter Adopted on February 16, 1960

Election (5/11/65): Senate Concurrent Resolution No. 112
Amendment of Section 1114

Election (5/8/73): Senate Concurrent Resolution No. 66
Amendment of Sections 408, 604, and 1117

Election (11/5/74): Senate Concurrent Resolution No. 52
Amendment of Sections 402, 403, 601, and 611

Election (5/13/75): Filed with Secretary of State on
10/8/75-Verified
Amendment of Sections 703, 904, 909, and 1002

Election (5/14/85): Filed with Secretary of State on 10/11/85
Amendment of Sections 403 and 1117

Election (6/3/86): Filed with Secretary of State on 9/4/86
Amendment of Section 1117

Election (6/7/88): Filed with Secretary of State on 7/15/88
Amendment of Section 405

Election 12/5/89: Filed with Secretary of State April 3, 1990
Amendment of Sections 402, 403, 413, 500, 902, 903, 908, 910,
911, 1005, 1300, and 1503

Election 11/5/91: Filed with Secretary of State May 13, 1992
Amendment of Sections 504, 611, 907, and 1504

Election 11/3/92: Filed with Secretary of State _____
Amendment of Sections 402 and 1300

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